

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



January 13, 2004

Jeffrey Katuna
63 Washburn Ave.
Wellesley, MA 02181

RE: DES Wetlands File #1999-00463 Big Barndoor Island, Alton

Dear Mr. Katuna:

On July 17, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Alton Tax Map 80 as Lot 38 (the "Property") as part of the compliance inspections. The purpose of the inspection was to determine compliance with RSA 482-A, NH Wetlands Law, RSA 483-B, NH Comprehensive Shoreland Protection Act, and Wetlands and Non-site Specific Permit # 1999-00463 (the "Permit") issued on November 7, 2000. The Permit authorized 770 sq ft of fill in Lake Winnepesaukee to construct 41 linear ft of breakwater, in a "dog-leg" configuration, with a 26 ft gap at the shoreline, and construction of a 4 ft x 35 ft cantilevered pier, and a 4 ft x 30 ft pier connected by a 4 ft x 12 ft walkway accessed by a 6 ft x 16 ft walkway and a 4 ft wide stairway. The approved plans by Winnepesaukee Marine Construction dated October 23, 2000, as received by DES on October 24, 2000 (the "Plans") specified that the 6 ft x 16 ft walkway would be constructed by reducing the existing deck to 6 ft wide.

The inspection and subsequent file review revealed that work on the Property was not in compliance with RSA 482-A, the Permit, or the Plans. During the inspection and file review, DES documented the following deficiencies:

1. A section of the old deck measuring approximately 9 ft x 10 ft adjacent to the new 6 ft x 16 ft walkway has not been removed as required under Condition # 12 of the Permit.
2. The breakwater had not been constructed in a dog-leg configuration. The breakwater extended straight into Lake Winnepesaukee and measured approximately 42 linear ft with a 27 ft gap at the shoreline.
3. The cantilevered pier measured approximately 4 ft x 37 ft. The Permit specified a 4 ft x 35 ft cantilevered pier in this location.
4. A copy of the recorded Permit has not been submitted to DES. Specifically, Condition # 2 of the Permit required the Permit to be recorded with the Registry of Deeds.

Office by the Permittee and a copy of the recorded Permit submitted to the DES Wetlands Bureau prior to construction.

In response, you are requested to take the following action:

1. Within 30 days, please remove the old section of the deck measuring approximately 9 ft x 10 ft in accordance with the Plans and Permit, and submit photographs to DES documenting the removal;
2. Within 30 days, please submit an as-built plan of the breakwater and docking facility to DES; and
3. Within 30 days, please submit a copy of the recorded Permit to DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is not done in accordance with the specific conditions of the permit and approved plans, this is considered a violation of RSA 482-A.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton, Senior Enforcement Officer
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY
Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 9231

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Alton Conservation Commission
Alton Board of Selectmen
David Killoy, USACOE